



THE ATTORNEY GENERAL
OF TEXAS

GERALD C. MANN

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Honorable Vera V. Fogg
County Attorney
Hardeman County
Quanah, Texas

Dear Miss Fogg:

Opinion No. O-4716

Re: County Superintendent is not
required to pay poll tax in order
to legally serve as such officer.

Your request for opinion upon the following stated question:

". . . .

"Can a person be elected to the office of County School
Superintendent, and legally serve, when he has not paid
his poll tax, and thus is not a qualified voter of the
county in which he is elected?

". . . ."

has been received and carefully considered by this department.

Article 2688, Vernon's Annotated Texas Civil Statutes, sets forth the qualifications of the County School Superintendent; this Article does not require that he pay a poll tax or be a qualified voter. Article 2927, Vernon's Annotated Texas Civil Statutes, sets out the ineligibility of certain persons to serve as public officials and prescribes residential requirements of such officials; this Article does not make persons who have not paid their poll taxes or who are not qualified voters ineligible to hold public office.

The nature and purpose of a poll tax is that of a necessary prerequisite to the right of certain designated classes to vote. Unless otherwise provided, the office of a poll tax is not that of a necessary prerequisite to holding office.

Accordingly, it is our opinion, and you are so advised, that a person need not to have paid a poll tax in order to be elected and to qualify for the office of County Superintendent.

Honorable Vera V. Fcgg, Page #2 (0-4716)

Very truly yours,

ATTORNEY GENERAL OF TEXAS

s/ Wm. J. Fanning

By

Wm. J. Fanning
Assistant

WJF: mbr/ ldw

APPROVED July 24, 1942
s/ GERALD C. MANN
ATTORNEY GENERAL OF TEXAS

APPROVED OPINION COMMITTEE
BY B. W. B.
CHAIRMAN